UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,) Case No.: 10-CR-00931-LHK
Plaintiff, v.	ORDER GRANTING IN PART AND DENYING IN PART MOTION TO FILE UNDER SEAL
CLAY H. ROJAS, ET AL.,)
Defendants.))

Plaintiff has filed: (1) an "Application to Seal Motion and Declaration;" and (2) a "Motion for Order Regarding Lodging Government Exhibits 10, 11, and 12." Defendant does not oppose either motion. Civil Local Rule 79-5, incorporated into the Criminal Local Rules under Rule 55-1, provides that "[n]o document may be filed under seal, i.e., closed to inspection by the public, except pursuant to a Court order that authorizes the sealing of the particular document, or the portions thereof." In addition, requests to file documents under seal must be made by an administrative motion, accompanied by a declaration that the document in question, or portions thereof, is sealable. Civ. L.R. 79-5(b).

Under Local Rule 79-5, Plaintiff's "Application to Seal Motion" and accompanying declaration are not themselves sealable. Accordingly, the motion to seal is DENIED with respect to Plaintiff's motion itself and the accompanying declaration. Plaintiff shall file and serve a copy of the "Application to Seal Motion and Declaration."

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However, good cause does exist to seal the unredacted versions of Exhibits 10, 11, and 12,
as those Exhibits contain sealable information, i.e., information that is "privileged or protectable as
a trade secret or otherwise entitled protection under the law." Civ. L.R. 79-5(a). The sealable
information relates to personally identifying non-public information. Plaintiff need not lodge the
redacted copies of Exhibits 10, 11, and 12, as Plaintiff has already lodged the unredacted copies
with the Court. Accordingly, the unredacted copies of Exhibits 10, 11 and 12 shall be maintained
under seal, unless otherwise ordered by the Court.

IT IS SO ORDERED.

Dated: July 25, 2011

Lucy H. Koh

United States District Judge

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